

BILL NO. Z-89-10-15 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z- 09-89.

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. O-6

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-3-B (General Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Lots Numbered 10, 11 and 12 in White's Third Addition  
as recorded in the plat thereof in the Office of the  
Recorder of Allen County, Indiana

and the symbols of the City of Fort Wayne Zoning Map No. O-6, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

*Janet G. Bradbury*  
Council member

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**Councilmember**

APPROVED AS TO FORM AND LEGALITY:

J. TIMOTHY MCCAULAY, CITY ATTORNEY

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Janet G. Bradbury  
Councilmember

**APPROVED AS TO FORM AND LEGALITY:**

J. Timothy McCaul  
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Bradbury, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, day of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock M., E.S.T.

DATED: 10-10-89

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Talarico, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
<u>TOTAL VOTES</u>	<u>9</u>			
<u>BRADBURY</u>	<u>✓</u>			
<u>BURNS</u>	<u>✓</u>			
<u>EDMONDS</u>	<u>✓</u>			
<u>GiaQUINTA</u>	<u>✓</u>			
<u>HENRY</u>	<u>✓</u>			
<u>LONG</u>	<u>✓</u>			
<u>REDD</u>	<u>✓</u>			
<u>SCHMIDT</u>	<u>✓</u>			
<u>TALARICO</u>	<u>✓</u>			

DATED: 11-14-89.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 2-09-89.  
on the 14th day of November, 1989

ATTEST:  
Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

(SEAL)  
Paul S. Redd  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of November, 1989.  
at the hour of 11:45 o'clock A.M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 19th day of November,  
1989, at the hour of 6:30 o'clock P.M., E.S.T.

Paul Helmke  
PAUL HELMKE, MAYOR

## RECEIPT

No 7249

COMMUNITY DEVELOPMENT &amp; PLANNING

FT. WAYNE, IND.

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

PAID BY: CASH  CHECK  M.O. 

9-17-89

19

\$

100.00

DOLLARS

100

AUTHORIZED SIGNATURE

F.A.B.

## PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. *O-6*THIS IS TO BE FILED IN DUPLICATE

DATE FILED \_\_\_\_\_

INTENDED USE \_\_\_\_\_

We Premier Auto Credit, Inc. and John V. Tippman  
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R2,B3A,B1B District to a/an B3B District the property described as follows:

Lot Numbered 9, Lot Numbered 10, Lot Numbered 11, and Lot Numbered 12 in White's Third Addition as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.

(Legal Description) If additional space is needed, use reverse side.

## ADDRESS OF PROPERTY IS TO BE INCLUDED:

1712 and 1714 East Wayne Street and 902 South Anthony Boulevard, Fort Wayne, Indiana

## (General Description for Planning Staff Use Only)

We, the undersigned, certify that ~~xxxxx~~/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Premier Auto Credit, Inc.918 South Anthony Boulevard  
Fort Wayne, Indiana 46803John V. Tippman3711 Rupp Drive  
Fort Wayne, Indiana 46805

(Name)

(Address)

*J. Philip Burt*  
Attorney for Premier Auto*John V. Tippman*  
(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_

(OFFICE USE ONLY)

## NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the preparer, attorney or agent.

J. Philip Burt

(Name)

Burt, Bleu, Dixon & Sutton  
1400 Lincoln Tower

(Address &amp; Zip Code)

(219) 426-1300

(Telephone Number)

Fort Wayne, Indiana 46802

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

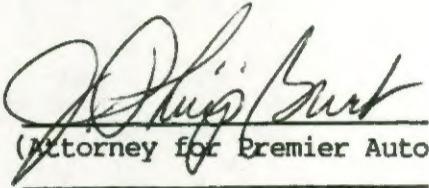
Lot Numbered 9, Lot Numbered 10, Lot Numbered 11, and Lot Numbered 12 in White's Third  
Addition as recorded in the plat thereof in the Office of the Recorder of Allen County,  
Indiana.

Owners of Property

Premier Auto Credit, Inc.

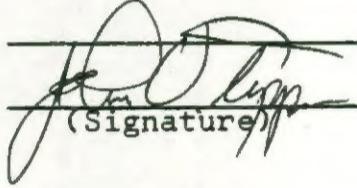
John V. Tippman

918 South Anthony Boulevard  
Fort Wayne, Indiana 46803  
3711 Rupp Drive  
Fort Wayne, Indiana 46805

  
Attorney for Premier Auto

(Name)

(Address)

  
(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST  
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING  
FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on October 10, 1989 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-89-10-15; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on October 16, 1989.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held October 23, 1989.

Certified and signed this  
30th day of October 1989.

  
Robert Hutner  
Secretary

**FACT SHEET**

Z-89-10-15

BILL NUMBER

**Division of Community  
Development & Planning**

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment		
From R2/B1B/B3A		

**DETAILS**

Specific Location and/or Address
1712 & 1714 E Wayne St 902 So Anthony Bl

Reason for Project
Legalize and allow for expansion of a legal non-conforming use. (A used car lot.)

Discussion (Including relationship to other Council actions) <u>16 October 1989 - Public Hearing</u>
Phil Burt, attorney for petitioners stated that they were making the request in order to legalize a non-conforming use and allow for expansion of a used car lot. He stated that the staff recommendation is to eliminate Lot #9 from their request. He stated that they have cleaned up the property that they presently own and have landscaped. He stated that they are willing to do more, but they need the use of all the property requested for rezoning. He stated that they would be willing to buy the next adjacent lot and use it for a buffer by landscaping it, he stated that they intend to purchase more property in the future and continue to expand in this area.
Mark Gensic questioned why staff had suggested they delete Lot #9.
V. C. Seth stated that staff felt that there should be a stopping point for the commercial zoning. He stated that since this lot is going to be used for parking the staff is suggesting that they apply to the Board of Zoning Appeals. He stated that

POSITIONS	RECOMMENDATIONS	
Sponsor	City Plan Commission	
Area Affected	City Wide	Other Areas
Applicants/ Proponents	Applicant(s) Premier Auto Credit Inc	City Department
		Other
Opponents	Groups or Individuals	Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against	Reason Against
Board or Commission Recommendation	By  <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken  <input checked="" type="checkbox"/> For with revisions to conditions (See Details column for conditions)	
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass	

**DETAILS**

the Commission cannot require landscaping but the Board of Zoning Appeals can.

John Shoaff questioned if the petitioners could work with that suggestion.

Mr. Burt stated he felt they could.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

23 October 1989 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation with the following condition:

1. Provide a revised legal description that excludes Lot #9 from the petition, and that the petitioner provide a revised legal description.

Of the six (6) members present, five (5) voted for the motion, one (1) did not vote.  
Motion carried.

**POLICY/PROGRAM IMPACT**

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 14 September 1989

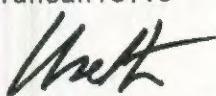
Projected Completion or Occupancy

Date 30 October 1989

Fact Sheet Prepared by

Patricia Biancaniello

Reviewed by



Date 30 October 1989

Date *October 31, 1989*

Reference or Case Number

X 105  
ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

2-89-10-15

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 1712 & 1714 East Wayne Street and 902 So Anthony Bl

EFFECT OF PASSAGE Property is presently zoned R-2 - Two Family Residential; B-1-B - Limited Business; and B-3-A - General Business District. Property will become B-3-B - General Business District.

EFFECT OF NON-PASSAGE Property will remain R-2; B-1-B and B-3-A.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE (J.N.) \_\_\_\_\_

BILL NO. Z-89-10-15 (as amended)

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON  
DAVID C. LONG, VICE CHAIRMAN  
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (RESOLUTION) amending the City of  
Fort Wayne Zoning Map No. 0-6

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (RESOLUTION)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*Janet G. Bradbury*  
*David C. Long*  
*Sandra E. Kennedy*  
*Edmunds, Schmidt, Talarico*  
*Clytus R. Edmonds*

DATED: 11-14-89.

Sandra E. Kennedy  
City Clerk

# REZONING PETITION #405

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R2, B3A, B1B DISTRICT TO A B3B DISTRICT.

MAP NO. O-6

COUNCILMANIC DISTRICT NO. 1

